



## MANUAL OF PATENT EXAMINING PROCEDURE

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Approved for use through 09/30/2003. OMB 0851-0032  
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX if applicable

☒ DUPLICATE

## Address to:

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Attorney Docket No.

First Named Inventor

SAMUEL ROSE, M.D.

Examiner Name

DECEASED 6/3/00  
SUSAN UNGAR, Ph.D.

Group / Art Unit

1642

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
 (continued prosecution application (CPA)) of prior application number 08,782,590  
 filed on AUG. 13, 2001 entitled A METHOD FOR THE TREATMENT OF CANCER, ETC.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. § 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**CPA NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file.

**35 U.S.C. § 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. § 120 and to every application assigned the application number identified in such request. 37 C.F.R. § 1.78(b).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
 \_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☒ A new power of attorney or authorization of agent (PTO/SE/81) is enclosed. 11/04/2003 AWONDAF1 00000004 08782590
- Information Disclosure Statement (IDS) is enclosed:
 

a. <input type="checkbox"/> PTO-1449	02 FC:2006	385.00 OP
b. <input type="checkbox"/> Copies of IDS Citations	03 FC:2202	567.00 OP

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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 NOV 13 2003  
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# TYPE CROSS-NOTING, AND STATUS OF APPLICATION

201J6(d)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.18(a) or (j))		83 - 20 =	63	x \$ 9 =	\$ 567.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.18(b) or (i))		2 - 3 =	0	x \$ 385 =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.18(d))				+ \$	
				BASIC FEE (37 C.F.R. § 1.18)	385.00
				Total of above Calculations =	952.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					
* Retain no claims in excess of 20 and over original patent. * Retain no independent claims over original patent.				TOTAL =	952.00

## 6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

## 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 0013 - 0625:

- a. ☐ Fees required under 37 C.F.R. § 1.16.  
b. ☐ Fees required under 37 C.F.R. § 1.17.  
c. ☐ Fees required under 37 C.F.R. § 1.18.

## 8. ☒ A check in the amount of \$ 952.00 is enclosed.

## 9. ☒ Other: CHARGE FEE TO DEPOSIT ACCT #0013-0625 FOR ANY ADDITIONAL FEE REQUIRED

OR CREDIT FOR ANY EXCESS FEE PAID. A DUPLICATE OF THIS REQUEST TRANSMITTAL IS ATTACHED

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## NOTE:

The prior applications correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

## 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

JOHN Q. McQUILLAN

Signature

*John Q. McQuillan*

Registration No. (Attorney/Agent)

19,805

Date

OCT 30, 2003

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